

U.S. DISTRICT COURT
Western District of PA.

Corey, Harris PROSE
v. Plaintiff

FILED

C.A. NO. 04-369-E

Domestic Relation et al⁰⁶ MAY 24 A10:31
Defendants

CLERK
U.S. DISTRICT COURT

M. J. BAXTER
5/24/06

Brief in Response to defendants
Motion to dismiss pursuant to Fed.R.C.P. 12(c)
Stating in support thereof the following:

Statement of facts 1.

1) Robin Tate, Vieveen Tate, filed to Respond to
the Court Order dated May 12, 2006
therefore denied the defendant's averments with
Plaintiff is without sufficient knowledge
to form a belief as to the averments
therefore denied them.

2) Plaintiff is without sufficient
knowledge to the defendant motion
to dismiss therefore denied them.

As to Rookie -feldman doctrine

3.) On 12/15/04 Plaintiff was incarcerated
from 2/17/06 Exhibit B-2006 1 of 3

And now, This 24th day of may, 2006

Comes Plaintiff Corey Harris Acted AS PROSE, and files this brief in Support of motion two Grant Plaintiff Civ. Suit 421983, Pursuant to Fed. R.C.P. 12 (b) i and 12 (b), 12 (c)

Brief in Support of motion
to Grant case to trial by Jury or relief
on claims against defendant Denise Nelson
mark causgrave, et, al grounds for relief See
Cf. Tower V. Glover, 467 U.S. 914, 923, (1984)
Stating in Support thereof the
following:

- 1) False Statement, and Report to Enforcement Office employed by the Court of Common Pleas. D.R.S Called into question by a federal court's..
- 2) The District Court does not lack Jurisdiction under Rooker-Feldman doctrine.

3) Claims upon which Relief can be Granted. Does not prohibits the District Court from exercising Justice that is a functional equivalent of an Criminal Act offense under IS RA C.S. 4906 relating to false report to law enforcement authorities that led to Plaintiff 14 months incarceration to Challenge his Conviction.

4) Base on false report was submitted improper or ineffectual and that the information provided to the court by defendant Nelson relative to Plaintiff Carey Hards employment Status of Company Wages of 2004 Business Plan and Employment Exhibit # C-1 2006 C-1 2006 C-2 2006. Exhibit # G-2 2006 also medical F-2006 O-2006 1 of 3 after the fact.

5) Support obligation was unlawfully and false. Evidence presented to the court was false the 42 1983 well determined that the information provided was false on Plaintiff yearly income Exhibit # C-2 2006 C-A 2006 G-2 2006.

Memorandum of Law

Plaintiff has the burden of proof in the establishing of a preponderance of evidence the facts which support his claim for relief *Mckenzee v. McCormick* 27 F.3d 1415 (9th Cir. 1994)

Plaintiff has not failed to meet his burden of proof that he was in custody in violation of the U.S. Constitution or laws of the U.S. as required by 28 USC 421983 Base on all Exhibits. In support of All facts.

Statement of facts 2.

Under Section Edmonds Vs. Edmonds, 53 OR APP 539, 633 P.2d 4,5 (1981) Also *Wills Vs. Jones* 667 A.2d 331 Child Support Payment modified for Incarcerated Father Because he was involuntarily impoverished No Crime was committed by Plaintiff.

Heck V. Humphrey, 512 U.S. 477, 114 S.Ct 2364, 129 L.Ed.2d 383 (1994) the question whether Plaintiff may challenge the constitutionality of his conviction in a suit for damages or mental, or emotional monetary damages see *Herman v. Holiday*, 238 F.3d 660 666 5th Cir 2001)

(5)

State policy is presumed Constitutional and must be upheld against equal protection challenge if there is any reasonably conceivable state of facts that could provide a rational base for the classification of 42 U.S.C. § 1983 Civil Rights. See, Heller, 509 U.S. at 319-320 State policies.

Rational Relationship See, Dallas v. Stansbury, 490 U.S. 19, 26 (1989) the essential question of rational basis scrutiny is not whether the States' policy lacks wisdom, fairness or logic but simply whether it is rational in light of the States' objectives. In Heller, 509 U.S. at 319, 320 Sentence triggers the constitutional right to a jury trial. See Taylor v. Hayes 418 U.S. 488, 94 S.Ct. 2697, 57 L.Ed.2d 877 (1974).

Criminal Contempt alleged
Violative action must be clearly prohibited by the Abuse Act violation of indirect contempt Commonwealth v. Baker, 564 PA 192, 766 A.2d 328 (2001) was not to receive 18 month

Statement of facts 3.

The defendants are in violation of their Registration of Name Enforcement Plaintiff Corey Harris Acted PROSE, claims defamation of Registered Name as well as defamation of his Name along with Business Plan 2004 Interruption See, Exhibit D-2006, E-2006 G-2006, H-2006 C-2006 C'-2006.

The Common-Law cause of action for malicious prosecution provides the closest analogy to claims of the type considered here because the action of false report, and false arrest or imprisonment 42 1983 Permits damages for confinement impose 2 sufficient to legal process of action in criminal proceeding in favor of the accused the U.S District Court hold that in order to recover damages for allegedly unconstitutional conviction or imprisonment or for other harm caused by actions whose unlawfulness would render a conviction or sentence Plaintiff must prove that the conviction or sentence has been reversed on or by

(7)

the defendants invalid by a state tribunal authorized to make such determination or called into question by a federal court issuance of a Violation of Plaintiff 4th Amendment Right to be free from unreasonable Seizure of Person and Violation of Plaintiff 5th and 14th Amendment Right of Due Process. brings a 1983 CV. Suit for Damage causing an issue that also could be grounds for relief. Court challenge on Plaintiff Conviction or Sentence base on false report etc. See Tower V. Glover , 467 U.S. 914, 923 (1984). See Case 05-111-E

Claim was therefore properly before the District Court on & required determination of the Validity of the Procedures employed for imposing Sanctions including loss of good time and Business Plan 2004 seeking Business loss of 2.5 million for relief Damage on exhaustion of State remedies is not a prerequisite to an action under 1983 Pastry V. Board of Regents of Fla. 457 U.S. 496501

The question whether Plaintiff may challenge the constitutionality of his conviction in a suit for damages under 42 U.S.C. 1983 at 478 provides access to a federal forum for claim of unconstitutional treatment at the hands of the defendants et.al officer or County officials fraudulent characterized by involving or proceeding from fraud, working with the Dept of Public Welfare, the defendant used their position as decent & tricky perpetrator for profit & to gain some unfair & dishonest advantage pretends to deceitful Person Bobby Tate, Vivian Tate et.al, If such information is not forthcoming within a reasonable period of time rendition should be denied as to the defendant Rooker - Feldman doctrine the court should deny the motion to dismiss Plaintiff Complaint failed on behalf of defendant Attorney. See, Exhibit A-2006

Statement of facts 4.

Information supportive is the Post-Dolan Case of Zambito v. Blair, 610 F.2d 1192 4th Cir (1979) where the court asserted did not seek Dolan as precluding a court inquiry into the correctness of a statement contained in the demanding papers that a judicial finding of probable cause had been made. See Exhibit # B-2006 10f3

Rule 1910.2b. Support order Enforcement was violated by the defendants et.al As they, Acting under color of state law which is one of the Requirements of a Section 1983 Action

Rule 1915.1 Action for Custody was violated by the defendants. Rules govern by the practice and procedure in all actions for custody including thereof claims for custody physical custody and shared custody proper venue under Rule 1915.2 Plaintiff bearing at § 5512.2. Commencement of proceedings of false reports PA C.S. blot see, Exhibit A-2006.

fair opportunity redressing an unjust incarceration at 257-58
Schneckloth v. Bustamonte, 412 U.S. 218,
93 S.Ct 2041, 36 L.Ed.2d 854 (1973)
Defendants conduct is shown to be
motivated by evil motive or intent,
or when it involves reckless or
callous indifference to the federally
protected rights of others See
Smith v. Wade, 461 U.S. 30.56.(1983)
Exhibit # A-2006 ed.

The Rooker - Feldman doctrine does
not bar the authorizing of the
Appropriate Court of District Court
or Appeals to consider the Plaintiff
as required by 28 U.S.C. 2244/54
42 U.S.C. Right 1983 Under Civil Rules
P. 23 from false report? a Person
who knowingly gives false information
to any law enforcement authority
Under 18 P.A.C.S. 4106 , and under 18
P.A.C.S.A 903 Criminal Conspiracy a
Person is guilty of Conspiracy
With Another Person or Persons to
Commit a Crime if With the Intent
of promoting or facilitating its
Commission.

Statement of facts 5.

Is Pa.C.S.A. 911 Corrupt ORG.
Prohibiter Activities on defendants
Under civil matters 23 In Support
of 1983 Civil Rights claim against
the defendant Denise Nelson, mark
Causgrave, Robin Tate, Vivian Tate.
Bare entitle 20 Baday Setting Income
Checks in Support of the Domestic
Relations Board Party of the Office
of Children in Youth. Exhibit # A-2001
defendant used their enforcement office
of domestic Relations, et al employed
by defendant Nelson and Causgrave
regarding Plaintiff Corey Harris
Children and Youth case. Plaintiff
States he was involuntarily incarcerated
by the defendants order on Sentence
to 18 months imprisonment See Exhibit
B-2006 1013 bare on false report.
Support order was false given to the
Court of Common Pleas Judge et, al.
Plaintiff States he was involuntarily
incarcerated by the defendants orders
Edmonds VS. Edmonds ,53 CR APP 539,
633 P. 2d 45 (1981)

Also Wills VS. Jones, 667 A2d 331 Child Support Payment modified for incarcerated Father. Plaintiff 1983 claim against the defendants Denise Nelson, mark causgrave is appealed for the U.S. District Court? Civil Right claims litigated after the defendant false statement to the supporting Judge, allowing the support order to stand as to be by the defendant. Statement of alleged miscalculation of his child support obligation? Only if provided true statements to the court by law under Civil Rules 3, 23 may the court credit under the bar of Rocker - Feldman doctrine defendant used their enforcement office employed by defendant Nelson, causgrave of the Domestic Relations to cause deprivation of Plaintiff Corey Harris.

Due Process Violation

Related to an alleged miscalculation of \$94,000 debt submitted by supervisor did not prevent Nelson the defendant from providing inaccurate information to the court regarding Plaintiff employment status.

Employment Status

Defendant did not present documents to the court that allegedly resulted in an erroneous determination regarding Plaintiff Business Plan of 2004 Employment Status. See Exhibit # C - 2006 and C-A 2006. In 2006 the defendant interrupted Business Plan Development See Exhibit D - 2006 and E - 2006.

Base on Evidence Presented

Causgrove failed to properly supervise defendant Nelson after Plaintiff address his concern in his medication files which would necessarily lead to the conclusion the decision was wrong on Plaintiff. Shall be reviewed by the Court under the 8th Amendment of Cruel and Unusual Punishment 14th Amend Rights. See Exhibit # F - 2006 Two Weeks after Sentence. See Case 04-369-03-2006 filing Relief Claims

(14)

Wherefore, it is respectfully
requested that this Honorable
Court recommend that the claims
of Plaintiff, Corey Harris, against
defendant Denise Nelson, mark
Causgrave be Granted for Belief
and/or Granted for trial by Jury.

This District Court does not lack
Subject matter jurisdiction in the
instant case under Rooker-Feldman
doctrine, So to Plaintiff 8th Amend
Violation on his 3/20/05 motion
allegations set forth to Support a
1983 claim So to the false report
from defendant Nelson et al Violated
Plaintiff 4th 5th 8th 14th Amendment
Right All base on Confinement. 14 months.

Statement of facts 6.

I Corey Harris was deprived of
my Due Process Right of the 5th an
14th Amend. the defendant knew that
I was being deprived and did
not respond reasonably defendant
acted with deliberate indifference
See, Exhibit # F-2006 O# 2006 10f3

See, case Wilson v. Seiter 501 U.S. 294 (1991) by both defendants knew about Exhibit F-2006 know of the condition and did not respond to it in a reasonable manner. See, Farmer v. Brennan, 511 U.S. 825 1994 base on Plaintiff Prison Condition States a claim of the 14th Amendment and 5th and 4th of Seizure of Personal & Property the defendant denied expanded Job opportunities for Plaintiff Start up Business See Exhibit # G-2006

Statement of fact 7.

H the Plaintiff is motion the Court to Shepardize this case based on the Violation of Plaintiff Due Process Right of the 5th and 14th Amend. of Plaintiff Raising this question of fact of his Constitutional Right of Due Process of law. Base on false Report Under 18 PACSA 4906 See, Exhibit # O-2006 1 of 3, F-2006, etc.

Defendant deprive me of my Personal life as well as property without due process of law in their trust Base on these position of the Domestic Relation, deprive any Person of life liberty or property without due Process of law, nor deny, to any Person within its Jurisdiction the Equal Protection of the law false report of Income See Exhibit # G-2 2006 . the Act of Declaration by defendant , Nelson, deposition two give the Judge true and sworn testimony in response to Oral or written question or statement regarding Plaintiff Income or employment , medical Statement see, Exhibit # I - 2006 See, Vocational Rehabilitation J - 2006 also Base on Housing See Exhibit K - 2006 and Exhibit L - 2006.

The constitutional tort by County or state officials 42 U.S.C.A.1983 provides every Person who under color of any Statute Or ordinance, of Due Process.

Yerkes Vs. Yerkes, 782 A.2d 1068 Pa
Supreme Court is to keep the support active
while the obligor remain in prison
base on the false report. this
process is in violation of Plaintiff
5th Amendment Right of Double
Jeopardy See Collins, 497 U.S. at 43
Base on Plaintiff Debt As of 5/24/06.
A liberty interest of constitutional
dimension may be derived from
one of two sources, the interest
may be of such severity or
fundamental importance that it
triggers protection from the
Constitution it self, See Vitek v.
Jones, 445 U.S. 480 (1980) or by
the state if the deprivation is
less severe but nevertheless
amount to an atypical and
significant deprivation from a
malicious actions.

Response:

No response to defendant Robin Tate,
Robin Tate is needed do to defendant
failed to respond to the Judge order
to respond to complaint.

Relief Claim of 2.5 million:

Damage relief of 2.5 million of
Business Plan Year 2004 Interruption
See, Exhibit # D-2006, N-2006, 1 of 2 C-2006.

Motion for Judgment

On the Readings pursuant to Fed.R.C.P.
12(c) accordance with the applicable
Rules of the Court.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this
document was served upon all other
Parties appearing of record by first-
Class United States mail sent on
May, 24 2006

Respectfully Submitted,
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